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| 10/825,449 | 04/15/2004 | Paul Marcus Carpenter | 291010-00035 | 8320 |
| 54120 7590 03/05/2009 RESEARCH IN MOTION ATTN: GLENDA WOLFE BUILDING 6, BRAZOS EAST, SUITE 100 5000 RIVERSIDE DRIVE IRVING, TX 75039 | | | EXAMINER CHANG, LI WU | |
| | | | ART UNIT 2129 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprossecution@rim.com

Office Action Summary

Application No.

10/825,449

Applicant(s)

CARPENTER, PAUL MARCUS

Examiner

LIWU CHANG

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/12/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14, 16-24 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-24 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to amendment filed 02/12/2009. Claims 1, 11, 20, 29, 30 and 31 are currently amended. Claims 1-5, 7-14, 16-24 and 26-31 are pending.

Response to Arguments

2. Applicant's arguments filed 02/12/2009 have been fully considered but they are not persuasive.

3. The applicant argues issues such as if references are combinable and argues limitations that are not claimed. These type of arguments are a clear indication that the applicant needs to further define the claimed invention.

In re pgs 9-11, in particularly pg 17, the applicant asserts references PUSHARCH, Lewontin, OTAHTTP, or their combination does not teach the establishment of the connection-oriented channel for the purpose of sending the SIR, where the fact that Lewontin teaches establishing a connection-oriented channel is not relevant and the data channel in the second part is common to all references.

In response, in claim 1, the limitation recites "in response to a need to push information from a push proxy gateway". Is "a need" an initiation request? The push service request is merely a notification and does not have to be in a

structured format. A connection-oriented signaling channel is established (e.g., Lewontin) in response to this service request. The push proxy gateway uses this connection-oriented channel to transmit SIR (e.g., OTAHTTP). Note that the "need" request and the "SIR" are sent to different parties. Is there a difference in transmitting the SIR and data? It is not clear from reading the specification or the arguments in the amendment whether the SIR and data are transmitted via the same connection-oriented channel. The claim language seems to imply only one connection-oriented channel is established. It is obvious the combination of PUSHCHAR, OTAHTTP and Lewontin teaches the establishment of the connection-oriented channel for the purpose of sending the SIR. The applicant may want to further define various terms from the claims to bring out more details of a method.

In re pg 17, the applicant further argues "Why would a person take the teachings of Lewontin, which explicitly teaches sending the SIR via connectionless PUSH, find a later reference in Lewontin to the establishment of a connection-oriented channel for the push data, and conclude you could use that for the SIR as well, contrary to the explicit teaching of the reference?"

In response, applicant cannot show non-obvious by attacking the references individually where as here the rejections are based on a combination of the functions of references see *In re Keller* USPQ 871 (CCPA 1981). As discussed above, Lewontin provides the functionality of establishing a connection-oriented channel upon receiving a request. "SIR" and "data" are both transmitted via the established connection-oriented channel. Note that the distinction between a "need" and a "SIR" and "data" is never explicitly or clearly explained in the claim nor the specification, except perhaps data transmission involves the bearer. In the absence of a distinction, the meaning of each term is broadly interpreted.

There is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is not what individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re Keller*, 648 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983); *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969).

In re pgs 14-16, the applicant argues about no "key support for a finding of obviousness" with respect to combination of references.

In response the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why

one skilled in the art would be motivated to make the proposed combination of references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. All three references belong to the same class of invention. The test for combining references is not what individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re Keller, 648 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Sernaker, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983); In re McLaughlin, 170 USPQ 209 (CCPA 1971).

In re pgs 17-18, the applicant asserts reference WAPU "runs contrary to claim 1", because "[c]laim 1 recites sending the SIR over USSD; then establishing another bearer, and then the PPG using the thus established bearer to send the PUSH data over another channel." "This is contrary to the point of WAPU which is to run the entirety of WAP over GSSD".

In response, what are the paragraphs from claim 1 or the claims that disclose "[c]laim 1 recites sending the SIR over USSD; then establishing another bearer, and then the PPG using the thus established bearer to send the PUSH data over another channel"? Again, specification and the arguments are not the measure of invention. WAPU is just one of the references

describing USSD. Other references, such as Olsson et al. (US Patent No. 5915222), also teach transmitting multiple unstructured data, including USSD. It is not clear how the feature of WAPU for transmitting over WAP with USSD as the bearer has anything to do with "WAPU which is to run the entirety of WAP over USSD"? References are not evaluated by their specific disclosures. The combination considers the point multiple bearers can be employed by the WAP and a particular bearer will be selected according to applications (e.g., Lewontin: [0036]). As to the phrase "avoiding the store-and-forward procedures" used in the office action, it indicates USSD is session-oriented and does not require further setting configurations. As to the phrase "USSD is a well known bearer service that supports the WAP traffic" in the office action, the WAP traffic only refers to data transmission.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4, 6-8, 10-12, 14-20, 23, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAP Push Architectural Overview (WAP-250-PUSHARCHOverview-20010703-p), hereinafter **PUSHARCH**, in view of Lewontin (US 20050071419 A1), hereinafter **Lewontin**, in view of "Over The Air over HTTP" (<http://www.google.com/search?q=cache:BxSAsVsQtLkJ:ccmc.knu.ac.kr/files/seminar/2002_winter/push_framework/push_framework5.ppt+SIR+connection-oriented&hl=en&ct=clnk&cd=5&gl=us,2002>), hereinafter **OTAHTTP**, further in view of WAP Over GSM USSD (WAP-204-WAOverGSMUSSD-20010730-a), and hereinafter **WAPU**. **PUSHARCH** and **WAPU** are cited by applicants in IDS on 10/28/2004.

5. With respect to Claim 1, **PUSHARCH** discloses a method for initiating a Wireless Access Protocol (WAP) push session to push information from a push proxy gateway to a mobile station in a wireless communication network (**PUSHARCH**: section 1, the 2nd paragraph describes a mobile device which can be a mobile station with definitions of push proxy gateway and push session in section 3.2; section 6.3, lines 1-3 describes initiation), the method comprising:

the session initiation request being such that said mobile station activates a bearer (**PUSHARCH**: section 8.3, the 1st paragraph, lines 3-4, "... activating the appropriate bearer ...") for establishing a push session in response to the initiation request towards the push proxy gateway in response to the session initiation request (**PUSHARCH**: Fig 5 shows a push session between the mobile and PPG); the push proxy gateway pushing information to the mobile station using the activated bearer (**PUSHARCH**: section 8.3, the 2nd paragraph, "Upon reception of the SIR, the client activates the bearer ..." describes the push session using the activated bearer); and discloses "wherein the connection-oriented signaling channel comprises a channel for transmitting messages" (**PUSHARCH**: section 10, lines 2-4).

PUSHARCH does not expressly disclose "in response to a need to push information from a push proxy gateway to a mobile station, establishing a connection-oriented signalling channel between the network and the mobile station" and "wherein the connection-oriented signalling channel comprises a channel for transmitting Unstructured Supplementary Service Data (USSD)". In the same field of endeavor, Lewontin disclose in response to a need to push information from a push proxy gateway to a mobile station, establishing a connection-oriented signalling channel between the network and the mobile station (**Lewontin**: [0040],

describes establishing the connection oriented push from PPG in response to an initiation signal, i.e., a need, generated from the push initiator 212 of Fig 2). In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG. It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose "using said connection-oriented signalling channel to transmit a session initiation request from the push proxy to the mobile station". However, OTAHTTP discloses "using said connection-oriented signalling channel to transmit a session initiation request from the push proxy to the mobile station" (OTAHTTP: slide 4, the last bullet, "PPG sends an SIR ... by using connection-oriented push if applicable", wherein SIR may be the request and a "terminal" is an example of the mobile station). PUSHARCH does not expressly exclude the transmission of SIR via connection oriented mode of the push operations (PUSHARCH: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art

to combine OTAHTTP with PUSHARCH, in view of Lewontin, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information available to PPG.

The combined teachings of PUSHARCH, Lewontin and OTAHTTP do not disclose "transmitting Unstructured Supplementary Service Data (USSD)". WAPU, however discloses "transmitting Unstructured Supplementary Service Data (USSD)" (e.g., **WAPU**: section 5.1, lines 4-9 of the 3rd paragraph). Nonetheless, USSD is a well-known bearer service that supports the WAP data traffic. It would have been obvious for one skilled in the art at the time of invention to combine the teachings of WAPU with PUSHARCH by including bearer services, such as USSD, in order to avoid the store-and-forward procedures and provide the capability for delivering high speed real-time services.

6. With respect to claim 11, the claim is substantially the same as claim 1 and therefore, it is rejected for the same reason as in claim 1 above.

7. With respect to claim 30, the claim is substantially the same as claim 1 and therefore, it is rejected for the same reason as in claim 1 above.

8. With respect to claims 3 and 18, Lewontin discloses a session oriented mechanism (**Lewontin:** [0040], lines 6-9 describes establishing the connection oriented push). OTAHTTP discloses wherein the connection-oriented signalling channel transmits the initiation request using a session. (**OTAHTTP:** slide 4, bullet 3, indicates request, such as "SIR", may be transmitted via connection-oriented push session).

9. With respect to claims 4 and 14, PUSHARCH teaches wherein the initiation request comprises an identification of the bearer for activating to support the establishing of the push session (**PUSHARCH:** section 8.3, the 2nd and the 3rd paragraphs, and section 9.1, line 1 of the 2nd paragraph, described activating the bearer to support the establishing of the push session).

10. With respect to claims 7 and 16, PUSHARCH discloses wherein the initiation request conforms to a WAP protocol for Service Initiation Requests (SIRs) (**PUSHARCH:** section 6.1, including parsing of push content and addressing).

11. With respect to claims 8 and 17, the claims are rejected for the same reason as claim 6, 15 and 25 above. In addition, WAPU discloses wherein the initiation request conforms to a USSD protocol for Unstructured Supplementary Service Requests

(USSRs) (WAPU: sections 5.3.2.1 and 5.3.2.2 describe a USSD protocol where responses, viewed as USSD messages, are generated with respect to USSD requests.)

12. With respect to claim 10, PUSHARCH discloses receiving the initiation request from the push proxy gateway (PUSHARCH: section 8.3, line 3 of the 1st paragraph

13. With respect to claim 19, PUSHARCH discloses providing the initiation request to a Session Initiation Application of the mobile station, the application adapted in accordance with a WAP protocol for initiating a push session (PUSHARCH: section 8.3, lines 3-4 of the 1st paragraph and line 1 of the 2nd paragraph).

14. With respect to claim 20, PUSHARCH discloses a method for initiating a Wireless Access Protocol (WAP) push session in a push proxy gateway adapted to push information to a mobile station in a wireless communication network (PUSHARCH: Figure 5) comprising:

communicating with said mobile station in order to activate a bearer (PUSHARCH: section 8.3, 1st paragraph, lines 3-4, "...activating the appropriate bearer ...") for establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push

information to the mobile station using said activated bearer (PUSHARCH: section 8.3, the 2nd paragraph, "Upon reception of the SIR, the client activates the bearer ..." describes the push session using the activated bearer) , and "in order to activate a bearer for establishing a push session towards the push proxy gateway in response to the session initiation request to permit the push proxy gateway to push information to the mobile station using said activated bearer" (PUSHARCH: section 8.3, Par 1, "... activating the appropriate bearer ..." implies the activation, Fig 5 shows a push session between the mobile and PPG, or Sec 8.3, Par 2, "activates the bearer indicated in the SIR and establishes a WAP session towards the indicated PPG over that bearer" implies the using).

PUSHARCH does not expressly disclose "in response to a need to push information from a push proxy gateway to the mobile station" and "transmitting a session initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station". Lewontin, however discloses "in response to a need to push information from a push proxy gateway to the mobile station" (Lewontin: [0040], describes establishing the connection

oriented push from PPG in response to an initiation signal, i.e., a need, generated from the push initiator 212 of Fig 2), and "transmitting an initiation request to a network node of the wireless communication network for delivery to the mobile station by establishing a connection-oriented signalling channel between the network and the mobile station" (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push). In PUSHARCH, SIR, used in connection oriented push, instructs the client to establish a session with the PPG.

It would have been obvious for one skilled in the art at time of invention to incorporate the teachings of Lewontin with PUSHARCH by establishing the connection-oriented signalling channel, as taught by Lewontin, because such a channel would provide time efficient transmission for SIR and further connection-oriented push messages.

The combined teachings of PUSHARCH and Lewontin do not disclose "using said connection-oriented signalling channel to transmit said session initiation request from the push proxy gateway to the mobile station and communicating with said mobile station". However, OTAHTTP discloses "using said connection-oriented signalling channel to transmit said session initiation request from the push proxy gateway to the mobile station and

communicating with said mobile station" (**OTAHTTP**: slide 4, last bullet, "PPG sends an SIR ... by using connection-oriented push if applicable", wherein SIR may be the request, where a terminal implies a mobile station).

PUSHARCH implicitly teaches or does not exclude the transmission of SIR via connection oriented mode of the push operations (**PUSHARCH**: section 8.3, the 3rd paragraph, line 1, "... the SIR is typically sent ..."). It would have been obvious for one skilled in the art to combine **OTAHTTP** with **PUSHARCH**, in view of **Lewontin**, by incorporating the connection-oriented initial request transmission in order to provide WAP push initiation independent of the mobile station information that is available to PPG.

The combined teachings of **PUSHARCH**, **Lewontin** and **OTAHTTP** do not disclose "transmitting Unstructured Supplementary Service Data (USSD)". **WAPU**, however discloses "transmitting Unstructured Supplementary Service Data (USSD)" (e.g., **WAPU**: section 5.1, lines 4-9 of the 3rd paragraph). Nonetheless, USSD is a well-known bearer service that supports the WAP data traffic. It would have been obvious for one skilled in the art at the time of invention to combine the teachings of **WAPU** with **PUSHARCH** by including bearer services, such as USSD, in order to avoid the

store-and-forward procedures and provide the capability for delivering high speed real-time services.

15. With respect to claim 29, the claim is substantially the same as claim 20 and therefore, it is rejected for the same reason as in claim 20 above.

16. With respect to claim 31, the claim is substantially the same as claim 20 and therefore, it is rejected for the same reason as in claim 20 above.

17. With respect to claim 23, PUSHARCH teaches wherein the initiation request comprises an identification of the bearer for activating to support the establishing of the push session (**PUSHARCH**: section 8.3, the 2nd and the 3rd paragraphs, and section 9.1, line 1 of the 2nd paragraph, described activating the bearer to support the establishing of the push session).

18. With respect to claim 26, PUSHARCH discloses wherein the initiation request conforms to a WAP protocol for Service Initiation Requests (SIRs) (**PUSHARCH**: section 6.1, including parsing of push content and addressing).

19. With respect to claim 27, the claims are rejected for the same reason as claim 6, 15 and 25 above. In addition, WAPU discloses wherein the initiation request conforms to a USSD protocol for Unstructured Supplementary Service Requests (USSRs) (**WAPU**: sections 5.3.2.1 and 5.3.2.2 describe a USSD protocol where responses, viewed as USSR messages, are generated with respect to USSD requests.)

20. With respect to claim 28, Lewontin discloses a session oriented mechanism (**Lewontin**: [0040], lines 6-9 describes establishing the connection oriented push). OTAHTTP discloses wherein the connection-oriented signalling channel transmits the initiation request using a session. (**OTAHTTP**: slide 4, bullet 3, indicates request, such as "SIR", may be transmitted via connection-oriented push session).

21. Claims 2, 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **PUSHARCH**, in view of **Lewontin** and **OTAHTTP**, as applied to claims 1, 11 and 20 above, and further in view of Iivari et al. (US Pub. No. 2005/0020234 A1), and hereinafter **Iivari**.

22. With respect to claims 2, 12 and 21, **PUSHARCH** does not disclose wherein the activated bearer is a GPRS Packet Data Protocol Context. The combined teachings of **PUSHARCH**, **Lewontin**

and OTAHTTP do not disclose wherein the activated bearer is a GPRS Packet Data Protocol Context.

In the same field of endeavor, livari discloses wherein the activated bearer is a GPRS Packet Data Protocol Context (**livari**: [0037], lines 1-4 and [0038], lines 1-6, wherein the "interface" of GGSN and SGSN are the active bearer).

GPRS is used by the common mobile phone system GSM for transmitting IP packets with PDP context the data structure. It would have been obvious for one skilled in the art at the time of the invention to recognize the advantages of extending PUSHARCH, in view of Lewontin and OTAHTTP, by explicitly including GPRS PDP context as part of bearer services in order to leverage WAP service for broad GPRS-based mobile phone users.

23. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **PUSHARCH, Lewontin** and **OTAHTTP**, as applied to claims 1 and 20 above, in view of Push OTA Protocol (WAP-235-PUSHOTA-20010425-a), and hereinafter **PUSHOTA**. PUSHOTA is cited by applicants in IDS on 10/28/2004.

24. With respect to claim 5, PUSHARCH does not disclose providing an error message to the push proxy gateway immediately when said transmitting comprises failing to establish a session

between the network and the mobile station using the connection-oriented signaling channel.

PUSHOTA , however discloses providing an error message to the push proxy gateway immediately when said transmitting comprises failing to establish a session between the network and the mobile station using the connection-oriented signaling channel (**PUSHOTA**: section 6.1.3.3 describes messages in the case of failure).

It would have been obvious for one skilled in the art at the time of invention to combine the teachings of PUSHARCH and the teachings of PUSHOTA by including the error code in order to provide a reasonable level of tolerance for PUSHARCH.

25. With respect to claim 24, PUSHARCH does not disclose receiving an error message at the push proxy gateway immediately when said network fails to establish a session between the network and the mobile station using the connection-oriented signalling channel.

PUSHOTA, however discloses receiving an error message at the push proxy gateway immediately when said network fails to establish a session between the network and the mobile station using the connection-oriented signalling channel (**PUSHOTA**: section 6.1.3.3 describes messages in the case of failure).

It would have been obvious for one skilled in the art at the time of invention to combine the teachings of PUSHARCH and the teachings of PUSHOTA by including the error code in order to provide a level tolerance for PUSHARCH.

26. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **PUSHARCH**, **Lewontin**, **OTAHTTP** and **WAPU**, as applied to claims 6, 8 above, and further in view of **Iivari**.

27. With respect to claim 9, the claim is rejected for the same reason as claim 8 above. In addition, **PUSHARCH** discloses establishing a connection with the mobile station using the channel for transmitting (**PUSHARCH**: section 8.3, lines 3-4 of the 1st paragraph), and requesting the mobile station to establish push session with the push proxy gateway (**PUSHARCH**: section 8.3, lines 2-3 of the 1st paragraph), and **WAPU** discloses transmitting USSD (e.g., **WAPU**: section 5.2.2, when USSD is used as a bearer as in **WAPU**: section 5.1, the last line), and sending a USSR message (e.g., **WAPU**: section 5.1, lines 4-6 of the 3rd paragraph and the last line, wherein the push proxy gateway is part of the network).

The combined teachings of **PUSHARCH**, **Lewontin**, **OTAHTTP** and **WAPU** do not disclose to activate a Packet Data Protocol (PDP) context.

In the same field of endeavor, livari discloses to activate a Packet Data Protocol (PDP) context (**livari**: [0037], lines 1-4) and establish a push session with the push proxy gateway (**livari**: [0038], lines 1-3).

GPRS is used by the common mobile phone system GSM for transmitting IP packets with PDP context the data structure. It would have been obvious for one skilled in the art at the time of the invention to recognize the advantages of extending teachings of PUSHARCH, Lewontin, OTAHTTP, and WAPU by explicitly including GPRS PDP context as part of bearer services in order to leverage WAP service for broad GPRS-based mobile phone users.

28. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **PUSHARCH**, in view of **Lewontin**, **OTAHTTP**, and **WAPU**, as applied to 20 above, and further in view of **PUSHOTA**.

29. With respect to claims 13 and 22, PUSHARCH discloses initiation request (**PUSHARCH**: e.g., section 6.3, lines 1-3). PUSHARCH, in view of WAPU, does not expressly disclose an identification of the push proxy gateway for establishing the push session in connection-oriented push.

PUSHOTA, however discloses wherein the initiation request comprises an identification of the push proxy gateway for establishing the push session (contact points as in **PUSHOTA**: section 6.1.4.5, the last two lines).

It would have been obvious for a skilled person in the art at the time of invention to combine the teachings of PUSHARCH and WAPU, with the teachings of PUSHOTA, because PUSHOTA extends PUSHARCH by providing detailed specifications of the connection-oriented push.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIWU CHANG whose telephone number is 571-270-3809. The examiner can normally be reached on 8:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIWU CHANG
Examiner

Art Unit: 2129

Art Unit 2129

February 28, 2009

/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129